

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Billy Brantley <i>et al.</i>	:	
	:	Case No. C-1-01-378
Plaintiffs	:	
	:	District Judge Susan J. Dlott
v.	:	
	:	ORDER
Cinergy Corp.	:	
	:	
Defendant	:	

This matter comes before the Court on Plaintiffs' Motion for Status/Scheduling Conference (doc. #55) and Defendant's sealed Motion to Set Aside Entry Staying Litigating and Requesting Briefing Schedule and Hearings on Pending Motions (doc. #60). As the Court held a status conference by telephone on June 29, 2004, Plaintiffs' motion is **DENIED AS MOOT**. In their motion and at the conference, Plaintiffs requested additional time to conduct discovery. Since the Court informed counsel for Plaintiffs in no uncertain terms at the conference on October 28, 2002 that the extension of discovery granted at that time would be the last such extension (doc. #73 at 5, 12) and counsel for Plaintiffs agreed (*id.* at 5), Plaintiffs' request to extend the discovery deadline is **DENIED**. Since both Plaintiffs and Defendant agree that the stay of litigation should be lifted and the case should proceed, Defendant's motion (doc. #60) is **GRANTED** as to setting aside this Court's order staying the litigation (doc. #50) and as to setting a briefing schedule. During the pendency of settlement negotiations, this Court denied all pending motions without prejudice to refile (doc. #51). Any motions Defendant wishes to

refile must be filed by August 2, 2004. Plaintiffs will have until August 26, 2004 to respond to those motions, and Defendant will have until September 9, 2004 to file its reply. Defendant's motion is, at this time, **DENIED** as to its request for hearings.

IT IS SO ORDERED.

____s/Susan J. Dlott____
Susan J. Dlott
United States District Judge